

1 UNITED STATES COURT OF APPEALS
2 FOR THE SECOND CIRCUIT
3

4 August Term 2003
5

6 (Argued October 22, 2001 Decided June 2, 2003)
7 (Amended December 19, 2003)
8 (Petition for rehearing in banc decided January 22, 2004)
9

10 Docket No. 01-7118
11

12 -----x
13

14 JANET RAMOS, individually and as next of friend to Angel Ramos
15 and Richard Ramos; ANGEL RAMOS, by and through his next friend,
16 Janet Ramos; and RICHARD RAMOS, by and through his next friend,
17 Janet Ramos,
18

19 Plaintiffs-Appellants,
20

21 -- v.--
22

23 TOWN OF VERNON and RUDOLPH ROSSMY, Chief of Police in his
24 official capacity,
25

26 Defendants-Appellees.
27

28 -----x
29

30 A three-judge panel decided this case on June 2, 2003. A
31 petition for rehearing by the panel and a petition for rehearing
32 in banc was filed on June 13, 2003. On December 19, 2003, the
33 panel granted the petition for rehearing by the panel and issued
34 an amended opinion. A new petition for rehearing in banc was
35 filed with this court on December 31, 2003. There being no
36 majority in favor thereof, the petition for rehearing in banc is
37 **DENIED.**
38

39 Chief Judge Walker, joined by Circuit Judges Jacobs,
40 Cabranes, Raggi, and Wesley dissent from the denial of rehearing
41 in banc.
42

43
44 JOHN M. WALKER, JR., Chief Judge, with whom JACOBS, CABRANES,
45 RAGGI, and WESLEY, Circuit Judges, join, dissenting in the denial
46 of rehearing in banc:
47

48 I respectfully dissent from the denial to rehear this appeal
49 in banc. The appeal raises novel issues of constitutional law
50 with potentially far-reaching implications as to whether the

1 fundamental right to travel extends to unsupervised minors, the
2 appropriate balance between state interests in protecting minors
3 from harm and parental interests in raising children as they see
4 fit, and the use of age to draw distinctions in curfew
5 ordinances. These issues and the arguments set forth in the
6 majority opinion, see Ramos v. Town of Vernon, 2003 WL 22989226
7 (2d Cir. 2003), and Judge Winter's dissent, see id., at *16
8 (Winter, J., dissenting), which I believe merit Supreme Court
9 review, would have benefitted from consideration by the full
10 court before they are presented by certiorari to the Supreme
11 Court.